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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,494	10/03/2003	David M. Ledvina	001432-0157	3363

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EXAMINER

TRETTEL, MICHAEL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,494

Applicant(s)

LEDVINA ET AL.

Examiner

Michael Trettel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/26/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18, 19, and 22 to 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe (US 5,308,163). Abe shows an inflatable bag 11 formed by an upper and lower sheet 14, 15 of polyethylene material which are joined together by heat sealing around the edges. An opening 12 is formed along one of the edges to allow the introduction of a flat check valve 1 before the edges are heat sealed completely. The check valve 1 comprises rectangular top and bottom sheets 2, 3 heat sealed along side edges 18, 19 to form a fluid passage, and a pair of heat seals 16, 17 that form a valve structure inside the passage. The heat seals are formed as curved or arcuate portions that extend into the passage to define an opening that narrows from the exterior side of the valve to the interior side. Note the method of assembly detailed in column 4, lines 55 to 68, and column 5, lines 1 to 15.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 to 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stumpf (US 3,638,253) in view of Abe (US 5,308,163). Stumpf shows a disposable pillow formed from a bilayered sheet material 11 created by laminating a polyethylene layer 16 with a fibrous nonwoven layer 14. The pillow can be created by folding a rectangular sheet in half and sealing the edges, or by sealing two separate sheets of material around the edges. A valve structure 17 formed by a tube 19 can be sealed into one of the edges to allow inflation of the pillow. Note that the tube is disclosed as being made from a drinking straw. Stumpf thus shows the basic pillow structure claimed, including the differing methods of assembly and the use of the multilayered material to form the pillow. The simple valve structure shown must be positively sealed by folding over the straw after inflation and securing it in place. Abe teaches the use of a superior check valve assembly formed from two sheets of material that is used in combination with an inflatable bag very similar to the Stumpf pillow. The check valve does not require any positive action for operation, since it automatically seals itself under the influence of air pressure within the bag once inflated. It would have been obvious to the skilled artisan to have replaced the valve structure shown by Stumpf with the check valve structure taught by Abe for this reason. In addition, the dimensions used to create the pillow and valve structure are within the

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ordinary level of skill in the art, since the applicant has not shown any particular criticality associated with the claimed dimensions they are regarded as being within the ordinary level of skill in the art. Finally, the examiner notes that it is common practice to provide a disposable inflatable article (such as a Mylar balloon or the like) with an attached straw or tube to allow for easy inflation of the device, this feature is therefore considered to be within the ordinary level of skill in the art and to have been obvious.

Claims 25 to 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe (US 5,308,163). The dimensions used to create the pillow and valve structure are within the ordinary level of skill in the art, since the applicant has not shown any particular criticality associated with the claimed dimensions they are regarded as being within the ordinary level of skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perez et al, Graf, Lo, and Chen show inflatable articles that include flat check valve structures which are of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Michael Trettel
Primary Examiner
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